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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL WRIT PETITION NO. 564 OF 2006
WITH
CRIMINAL WRIT PETITION NO. 570 OF 2006

CRIMINAL WRIT PETITION NO. 564 OF 2006

Ashok Gurusiddappa Patil & Anr. .. Petitioners.

VS.

The State of Maharashtra

& Anr. .. Respondents.

Ms. Rajashri Sawant for Petitioners.

Smt. S.D. Shinde, APP., for State.

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CORAM : J.N. PATEL, AND

SMT. ROSHAN DALVI, JJ.

P.C.

. These two petitions have been filed by the accused against whom Crime No. 71 of 2003 and Crime No. 20 of 2003 came to be registered for having committed distinct offences but common in nature i.e. under section 406, 420 read with 34 of IPC. The petitioners seek quashing of the FIR and admittedly the petitions are filed after charge sheet in both the cases have been filed i.e. in crime no. 71 of 2003 charge sheet has been filed on 19.5.2003 in the Court of JMFC, 9th Court Pune whereas in Crime No. 20 of 2003 charge sheet has been filed on 19.6.2003 in the same Court. This clearly indicates that inspite of the petitioners and their advocates being aware that the charge sheets have been filed, they have invoked the extra-ordinary jurisdiction of this Court for quashing the FIR which, in our opinion, is not tenable as after the charge sheets are filed the Criminal Procedure Code provides for the procedure which is required to be followed and the remedy which is available to the accused. The very fact that the charge sheet is filed in both the cases after investigation indicates that prima facie a case has been made out against the petitioners who are the accused in the case. Therefore, we dismiss

both the petitions with compensatory cost which we quantify at Rs. 10,000/- each to be credited in the account of the State i.e. Collector, Pune. We make it clear that if the cost as directed by this Court is not credited within a period of four weeks the Collector will be at liberty to recover the same as fine by taking recourse to the provisions of the Maharashtra Land Revenue Code. Both the petitions are disposed of.

(J.N. Patel, J.)

(Smt. Roshan Dalvi, J.)